

REMARKS

Please do not enter the Amendment submitted on August 3, 2005 in response to the final Office Action.

Claims 1–10, 12, 24, and 33–35 are now pending in this application. The Office Action dated June 3, 2005 rejected Claims 1–11 and 24 and objected to Claim 12. In this response, applicants have canceled Claims 11, 13–23, and 25–32. In addition, applicants have amended Claims 1, 12, and 24 and have added new claims 33–35. No new matter has been added by these amendments. Applicants submit that the pending claims are patentable for at least the reasons discussed below.

Cancellation of Restricted Claims

Applicants have canceled, without prejudice, Claims 13–23 and 25–32, which belong to the unelected groups defined in the restriction requirement imposed in a previous Office Action.

Amended Claim 1 and Rejection Under 35 U.S.C. § 103(a) of Claim 11

The Office Action rejected dependent Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Burns et al. (U.S. Patent 5,991,306) in view of Estrada et al. (U.S. Patent 6,594,664). In this response applicants have amended independent Claim 1 to include elements similar to, albeit different from, elements in Claim 11, which applicants have canceled. Applicants submit that amended Claim 1 is patentable over Burns and Estrada, whether considered separately or in combination.

Among the elements recited in amended Claim 1 are “enabling at least a first origin server to be taken offline, wherein each origin server that is taken offline includes at least some content that corresponds to content on at least a second origin server that remains online, and updating a content item on each origin server that is taken offline,” and “enabling each origin server that is taken offline to be brought back online, and updating content on the cache server that corresponds to the updated content item on each origin server that is brought back online.” In rejecting Claim 11, the

Docket No.: 08204/1200299-US2

Office Action contends that what it calls the “control technique of on-line/off-line uninterrupted updating” (Office Action, p. 5) is disclosed by Estrada. Applicants respectfully disagree.

The subject matter of Estrada is quite distant from that of applicants' invention. Estrada is directed not towards updating content on networked origin servers, but towards enabling a team to share a virtual collaborative workspace. The Office Action fails to demonstrate that the offline updating of a subset of *origin servers*, while one or more origin servers remain online to serve requests for content (for example, to clients), finds any support in Estrada, which instead describes collaborative updating of shared content *by clients*. The teachings of Estrada are therefore not reasonably pertinent to applicants' invention. Estrada, whether considered alone or together with Burns, cannot be said to anticipate, teach, or suggest the elements of Claim 1.

Rejection Under 35 U.S.C. § 102(e) of Claims 1–10 and 24

The Office Action rejected Claims 1–10 and 24 under 35 U.S.C. 102(e) as being anticipated by Burns. In view of the amendment to independent Claim 1, this rejection is now moot with respect to Claims 1–10. Moreover, Claim 24, as amended herein, recites elements that are similar to, albeit different from, the elements recited in amended Claim 1, and so amended Claim 24 is allowable for at least substantially the same reasons as amended Claim 1. Applicants therefore submit that Claims 1–10 and 24 are now in condition for allowance.

Objection to Claim 12

The Office Action objected to Claim 12 for being dependent on a rejected base claim but indicated that Claim 12 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claim from which Claim 12 depends. While applicants consider Claim 12 to be allowable in dependent form for at least substantially the same reasons presented above with respect to Claim 1, applicants have chosen to rewrite Claim 12 as an independent claim. Applicants therefore respectfully request that the objection to Claim 12 be withdrawn.

New Claims

Applicants have added new claims 33–35 in this response. These new claims further clarify the subject matter of applicants' invention. No new matter has been added by the inclusion of these new claims.

Advisory Action

The Advisory Action dated August 12, 2005 states that the newly amended claims change the scope of the invention, raise new issues and/or would require further consideration or search. Applicants respectfully disagree. While applicants do not regard any of the amended claims as changing the scope of the invention or raising new issues, applicants note in particular that the amendment of Claim 12 does not achieve any change in its scope, as the amendment places it in independent form in accordance with the Examiner's suggestion. Nevertheless, applicants have chosen to request continued examination to expedite the prosecution of their application.

CONCLUSION

In view of the foregoing amendments and remarks, each of the currently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 6, 2005

Respectfully submitted,

By Richard E. Fontana

Richard E. Fontana

Registration No.: 52,902

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 2626-8900

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant

Customer No. 38878